

United States District Court

for the
Western District of New York



United States of America

v.

CHAD RICHARD CROWLEY

Defendant

Case No. *11-mj-4017*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

From, in or about the dates of February 12, 2011 through February 13, 2011, in the county of Ontario in the Western District of New York, the defendant violated 18 U.S.C. §§ 2251(a) and 2422(b), the offenses described as follows:

the defendant, knowingly induced and enticed a person less than 18 years old to engage in sexually explicit conduct as defined in 18 U.S.C. § 2256 for the purpose of producing visual depictions of that person engaging in such conduct and the visual depictions were transmitted using any means or facility of interstate or foreign commerce, in violation of Title 18, United States Code, Section 2251(a); and, the defendant did use a facility and means of interstate commerce to knowingly attempt to persuade, induce, and entice, and to persuade, induce and entice an individual he believed to be less than 18 years of age, to engage in sexual activity for which he could be charged with a criminal offense under the laws of the State of New York, namely a violation of one or more of the following section of the New York State Penal Law: Section 263.10 (Promoting the Obscene Sexual Performance of a Minor), all in violation of Title 18, United States Code, Section 2422(b).

This criminal complaint is based on these facts:


- Continued on the attached sheet.


Complainant's signature

Adam J. Ouzer, Special Agent
Immigration and Customs Enforcement
Printed name and title

Sworn to before me and signed in my presence.

Date: April 8, 2010


Judge's signature

City and State: Rochester, New York

Honorable Marian W. Payson
United States Magistrate Judge
Printed name and title

11-mj-41017

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE)
CITY OF ROCHESTER)

I, Adam J. Ouzer, being duly sworn, depose and state:

1. I am a special agent with Homeland Security Investigations (HSI), assigned to the office of the Special Agent-in-Charge, Buffalo, New York, and have been so employed since 2007. As part of my duties as an HSI special agent, I investigate suspected criminal violations relating to child exploitation and child pornography, including violations of Title 18, United States Code, Sections 2251 and 2252A. I have participated in investigations of persons suspected of violating child pornography laws and have observed and reviewed numerous examples of child pornography as defined under Title 18, United States Code, Section 2256.

2. I make this affidavit in support of a criminal complaint charging Chad Richard CROWLEY ("CROWLEY") with violating Title 18, United States Code, Section 2251(a), the knowing production of child pornography, and Title 18, United States Code, Section 2422(b), the knowing enticement of a minor to engage in sexual activity.

3. The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers involved in this investigation, other personnel specifically trained in the seizure and analysis of computers and electronic media, and upon my training and experience as a Special Agent of HSI. Because this affidavit is being submitted for the limited purpose of seeking a criminal complaint, I have not included each and every fact known to me concerning this investigation.

4. On or about February 14, 2011, Victim #1 and her mother reported to the New York State Police that Victim #1 was using the mother's cellular telephone to communicate with CROWLEY.

5. According to an affidavit taken from Victim One, a 12-year old minor female, on or about February 13, 2011, at approximately 8:00 p.m., she began to text message with CROWLEY utilizing a cellular telephone. CROWLEY resides in Clifton Springs and was born in 1985. CROWLEY asked Victim One to sneak out of the house, stating that he would not have sexual intercourse with her, but that they would mess around. When Victim One stated that she could not, CROWLEY replied that he could not stop thinking about her and her body and asked if she ever thought about him naked. CROWLEY went on to state that he

wanted to rub her back, run his fingers through her hair and kiss her and how he wanted to run his hands down her pants and how he would blow her mind if he went down on her. At approximately 11:00 p.m., CROWLEY was again asking Victim One to leave her residence and meet him. CROWLEY asked Victim One if she knew how to make him hard and horny and then stated that he wanted Victim One's hands and mouth on his cock. CROWLEY ended the conversation by asking Victim One if she ever got high and stated that they would have to get high when they meet up.

6. According to an affidavit taken from Victim Two, a 13-year old minor female, on or about February 12, 2011, she began talking to CROWLEY on the telephone. That evening and into February 13, 2011, CROWLEY asked Victim Two to send him images of her that would violate Title 18, United States Code, Section 2256. During this time frame, Victim Two sent images of herself, in various stages of undress, including images of her vagina, to CROWLEY. During this time CROWLEY was sending images of himself naked and of his penis to Victim Two.

7. On February 13, 2011, at around 1:00 a.m., CROWLEY drove to the residence (located in Manchester, New York) from where Victim Two was sending text messages. CROWLEY was seen by Victim Two parking his car across the street from her friend's

window. CROWLEY was informed that the adult residents were still awake and soon after CROWLEY departed the residence. CROWLEY asked Victim Two if she would want him to "cum" inside her. Victim Two replied, "no, I'm only thirteen". On February 13, 2011, in the evening, CROWLEY sent a text message to Victim Two asking when she would be home alone and stated that he wanted to tuck her into bed.

8. New York State Police secured the cellular telephone that Victim #1 was using. The cellular telephone contained the text messages between CROWLEY and Victim #1.

9. New York State Police further recovered the cellular telephone of CROWLEY. The mother of Victim #1 was able to identify images of Victim #1, to include full nude shots of Victim #1, contained on CROWLEY's cellular telephone.

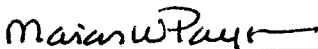
10. CROWLEY was interviewed by New York State Police investigators on or about February 15, 2011. CROWLEY admitted to sending texts and pictures of himself to Victim #1 and Victim #2. He admitted that he knew Victim #1 to be 13 or 14 years of age.

11. Based on my training and experience, I determined that all image files that were recovered constitute child pornography, as defined by Title 18, United States Code, Section 2256.

Based upon the foregoing, I respectfully submit that there is probable cause to believe that Chad CROWLEY did knowingly violate Title 18, United States Code, Section 2251(a), and Title 18, United States Code, Section 2422(b)


ADAM J. OUZER, Special Agent
Immigration and Customs Enforcement

Sworn to before me this
8th day of April, 2011.


HONORABLE MARIAN W. PAYSON
United States Magistrate Judge